

REMARKS

Claims 1-30 remain pending and stand rejected as anticipated by an earlier patent application to Ellis.

Claim 1 is directed to a hardware peripheral device for use in an interactive cable television system which possesses certain specific requirements. First, the hardware peripheral device must be coupled to a computer modem at a user premises and in communication with a computer network for communicating data from a user via the computer network to a cable television network head end. Second, this device and its communications arrangement are required to control a television information signal provided over a cable television network cable connected directly to a digital cable ready television at the user premises. One specific example of such a device and arrangement is shown by Figure 3 of the present application:

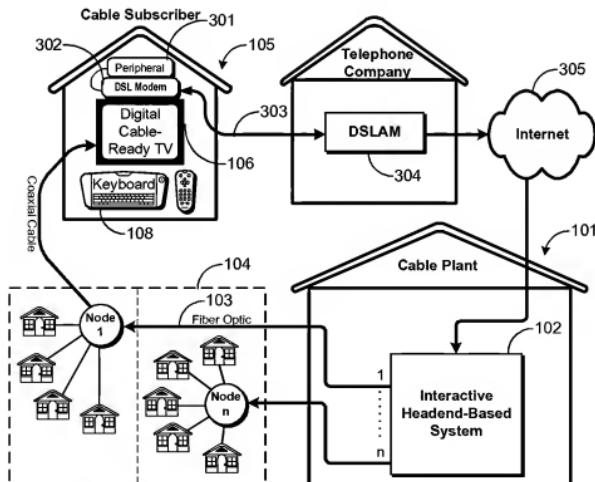


Figure 3

In the specific example shown in Fig. 3, hardware peripheral device 301 is coupled to a DSL modem 302 at a user premises 105 and in communication with DSLAM 304 and Internet 305 for communicating user data to cable television network head end 102. This arrangement is used to control a television information signal provided over a cable television network cable ("Coaxial Cable" in Fig. 3) which is connected directly to a digital cable ready television 106 at the user premises.

Ellis does not teach or suggest such an arrangement. Specifically, Ellis does not teach or suggest an arrangement for controlling a television information signal provided over a cable television network cable which is connected *directly* to a digital cable ready television. The Office Action erroneously cites to Ellis' Fig. 33a as teaching such an arrangement:

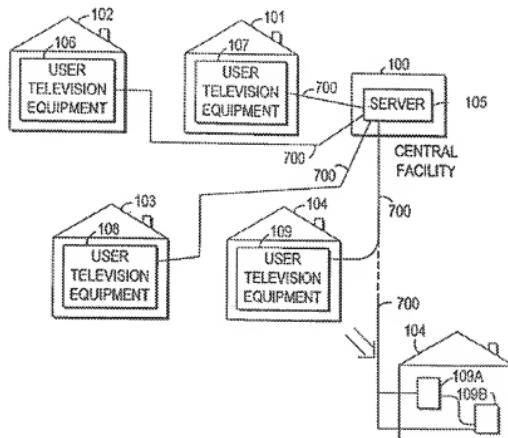


FIG. 33a

Presumably, the Examiner is referring to the connection of communication paths 700 to "user television equipment" 106-109. However, Ellis explicitly describes what he means by "user television equipment" at paragraph [0080] with reference to his Fig. 3:

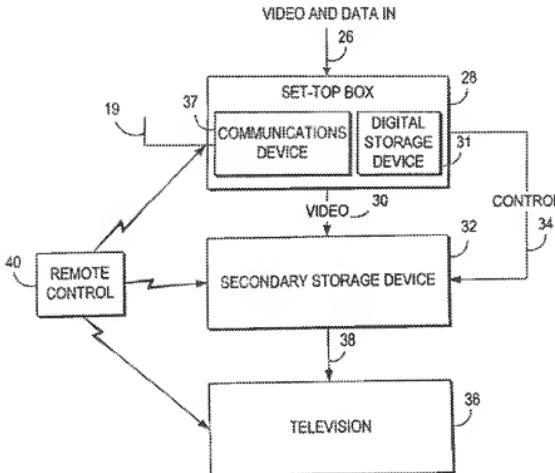


FIG. 3

Both Fig. 3 and the related discussion are clear in describing an arrangement in which the incoming video and data in 26 are received by a set-top box 26, then passed to a secondary storage device 32, and then to the television 36. Thus where claim 1 requires that the incoming television signal be connected *directly* from the cable television cable to the television, Ellis instead teaches an *indirect* connection arrangement which requires intermediate devices.

Moreover, this distinction is not trivial, but rather is central to Applicant's invention.

With a cable ready television directly connected to a digital cable, television can be viewed on a

selected channel, but there is typically no means for the viewer to interact with the cable system head end to control the television information signal. The peripheral device of Applicant's invention overcomes this deficiency in the prior art. Ellis does not disclose how to provide interactivity for a television directly connected to the digital cable. Instead, the televisions in Ellis use set-top boxes for connection to the cable. As explained in paragraph [0002] of the Background, the requirement to rely on complicated set-top boxes with proprietary return path arrangements as in Ellis requires "significant capital costs" not required by the direct connection arrangement set forth in claim 1.

Claims 2-6 depend from claim 1 and are allowable for the same reasons. Method claims 7-12 are method claims similar to device claims 1-6 and allowable for the same reasons. Claims 13-18 are system claims similar to device claims 1-6 and similarly allowable. Device claims 19-24 and system claims 25-30 similarly describe an arrangement requiring a direct connection which are similarly allowable over Ellis for the same reasons.

Applicant believes that no extension of time is required; however, this conditional petition is made to provide for the possibility that the applicant has inadvertently overlooked the need for an extension of time. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972.

It is submitted that all the claim rejections have been addressed and that all of the pending claims are now in a condition for allowance. Reconsideration of the application and issuance of a notice of allowance are respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call applicants' attorney at the telephone number listed below.

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Respectfully submitted,

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